

Panaji, 12th October, 2020 (Asvina 20, 1942)

SERIES I No. 28

OFFICIAL GAZETTE GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

EXTRAORDINARY

GOVERNMENT OF GOA

Department of Law

Legal Affairs Division

Notification

7/12/2020-LA

The Factories (Goa Amendment) Act, 2020 (Goa Act 20 of 2020), which has been passed by the Legislative Assembly of Goa on 27-07-2020 and assented to by the President of India on 24-09-2020, is hereby published for the general information of the public.

Dnyaneshwar Raut Dessai, Joint Secretary (Law).

Porvorim, 12th October, 2020.

The Factories (Goa Amendment) Act, 2020

(Goa Act 20 of 2020) [24-9-2020]

AN

ACT

further to amend the Factories Act, 1948 (Central Act 63 of 1948), as in force in the State of Goa.

Be it enacted by the Legislative Assembly of Goa in the Seventy-first Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Factories (Goa Amendment) Act, 2020.

(2) The provisions of section 2 and section 4 of this Act shall be deemed to have come into force on the 7th day of July, 2020 and the provisions of section 3 shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Factories Act, 1948 (Central Act 63 of 1948), as in force in the State of Goa (hereinafter referred to as the "principal Act"), in clause (m),—

(i) in sub-clause (i), for the words "ten or more workers", the words "twenty or more workers" shall be substituted;

(ii) in sub-clause (ii), for the words "twenty or more workers", the words "forty or more workers" shall be substituted.

3. *Insertion of new section 5A.*— After section 5 of the principal Act, the following section shall be inserted, namely:—

"5A. *Power to exempt in public interest.*— Where the State Government is satisfied in the public interest that it is necessary to create more economic activities and employment opportunities, it may, by notification in the Official Gazette, exempt, subject to such conditions as it may think fit, any new factory or class or description of new factories which are established and whose commercial production start, from all or any of the provisions of this Act for a period of one

thousand days from the date on which such commercial production start.

Explanation:— For the purposes of this section, the expression "new factory or class or description of new factories" means such factory or class or description of factories which are established and whose commercial production start within a period of one thousand days from the date of commencement of the Factories (Goa Amendment) Act, 2020."

4. *Amendment of section 85.*— In section 85 of the principal Act, in sub-section (1), in clause (i), for the words "ten" and "twenty", the words "twenty" and "forty" shall be respectively substituted.

5. *Repeal and Savings.*— (1) The Factories (Goa Amendment) Ordinance, 2020 (Ordinance No. 9 of 2020) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Secretariat, CHOKHA RAM GARG, IAS
Porvorim, Goa. Secretary to the
Dated: 12-10-2020. Government of Goa
Law Department
(Legal Affairs).

Notification

7/17/2020-LA

The Industrial Disputes (Goa Amendment) Act, 2020 (Goa Act 19 of 2020), which has been passed by the Legislative Assembly of Goa on 27-07-2020 and assented to by the President of India on 24-09-2020, is hereby published for the general information of the public.

Dnyaneshwar Raut Dessai, Joint Secretary (Law).

Porvorim, 12th October, 2020.

The Industrial Disputes (Goa Amendment) Act, 2020

(Goa Act 19 of 2020) [24-9-2020]

AN

ACT

further to amend the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947), as in force in the State of Goa.

BE it enacted by the Legislative Assembly of Goa in the Seventy-first Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Industrial Disputes (Goa Amendment) Act, 2020.

(2) It shall be deemed to have come into force on the 26th day of June, 2020.

2. *Amendment of section 2A.*— In section 2A of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), as in force in the State of Goa (hereinafter referred to as the "principal Act"),—

(i) in sub-section (3), for the words "three years", the words "one year" shall be substituted;

(ii) after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) Notwithstanding anything contained in sub-sections (1), (2) and (3), no such dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute if such dispute is not raised before conciliation officer within a period of one year from the date of such discharge, dismissal, retrenchment or termination:

Provided that an authority, as may be specified by the State Government, may condone the delay beyond such period of one year if the applicant workman satisfies the authority that he had sufficient cause for not raising the dispute within the period of one year."

3. *Amendment of section 25F.*— In section 25F of the principal Act, in clause (b), for the expression "fifteen days' ", the expression "forty-five days' " shall be substituted.

4. *Substitution of section 25K.*— For section 25K of the principal Act, the following section shall be substituted, namely:—

"25K. *Application of Chapter VB.*— (1) The provisions of this chapter shall apply to an industrial establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which not less than three hundred workmen were employed on an average per working day for the preceding twelve months.

(2) Without prejudice to the provisions of sub-section (1), the State Government may, if satisfied that maintenance of industrial peace or prevention of victimization of workmen so requires, by notification in the Official Gazette, apply the provisions of this Chapter to an industrial establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which such number of workmen which may be less than three hundred but not less than one hundred, as may be specified in the notification, were employed on an average per working day for the preceding twelve months.

(3) If a question arises whether an industrial establishment is of a seasonal character or whether work is performed therein only intermittently, the decision of the State Government thereon shall be final".

5. *Amendment of section 25N.*— In section 25N of the principal Act, in sub-section (9), for the expression "fifteen days' ", the expression "forty-five days' " shall be substituted.

6. *Amendment of section 25O.*— In section 25O of the principal Act, in sub-section (8), for the expression "fifteen days' ", the expression "forty-five days' " shall be substituted.

7. *Insertion of new section 31A.*— After section 31 of the principal Act, the following section shall be inserted, namely:—

"31A. *Compounding of offences.*— (1) Any offence punishable under sections 25Q, 25R, 25U, 26, 27, 28, 29, 30A and sub-sections (1) and (2) of section 31 may, either before or after the institution of the prosecution, on an application by the alleged offender, be compounded by such officer or authority as the State Government may, by notification in the Official Gazette, specify in this behalf for such amount as specified in the Table below.

TABLE

Sr. No.	Section	Composition amount	
(1)	(2)	(3)	
1.	25Q	25 days wages last drawn by each workman.	
2.	25R	60 days wages last drawn by each workman.	
3.	25U	(i) By each workman ₹ 150/- per day but not exceeding ₹ 3000/- in aggregate; (ii) By employer ₹ 300/- per day but not exceeding the amount in aggregate as shown below:	
		Number of workmen employed in the industry	Amount not exceeding
		1 to 50	₹ 7,000/-
		51 to 100	₹ 10, 000/-
		101 to 500	₹ 15,000/-
		More than 500	₹ 20, 000/-

(1)	(2)	(3)			
4.	26	(i) In case of illegal strike, ₹ 150/- per day by each workman but not exceeding ₹ 3000/- in aggregate;			
		(ii) In case of illegal lock-out ₹ 300/- per day by an employer but not exceeding the amount in aggregate as shown below:			
		Number of workmen employed in the industry		Amount not exceeding	
		1 to 50		₹ 7,000/-	
		51 to 100		₹ 10, 000/-	
		101 to 500		₹ 15,000/-	
		More than 500		₹ 20, 000/-	
5.	27 and 28	As per section 26 above for illegal strike and lockout			
6.	29	₹ 200/- per day in respect of each of the workman			
7.	30A	25 days wages last drawn by each workman			
8.	31 (1)	Number of workmen employed in the industry	For first offence	For second offence	For third offence
		1 to 50	₹ 10,000/-	₹ 15,000/-	₹ 20,000/-
		51 to 100	₹ 15,000/-	₹ 20,000/-	₹ 25,000/-
		101 to 500	₹ 20,000/-	₹ 25,000/-	₹ 30,000/-
		More than 500	₹ 30,000/-	₹ 35,000/-	₹ 40,000/-
9.	31 (2)	(i) For each workman, for the first offence ₹ 1000/-, for the second offence ₹ 2000/- and for the third offence ₹ 3000/-.			
		(ii) For Employer:			
		Number of workmen employed in the industry	For first offence	For second offence	For third offence
		1 to 50	₹ 1500/-	₹ 3000/-	₹ 6000/-
		51 to 100	₹ 3000/-	₹ 6000/-	₹ 10000/-
		101 to 500	₹ 4000/-	₹ 8000/-	₹ 15,000/-
		More than 500	₹ 5000/-	₹ 10000/-	₹ 20000/-

Provided that the State Government may, by notification in the Official Gazette, amend the composition amount specified in above Table:

Provided further that the offence committed of the same nature shall be compoundable only for the first three offences:

Provided also that such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence and the offender, if in custody, shall be discharged."

8. *Insertion of new section 36C.*— After section 36B of the principal Act, the following section shall be inserted, namely:—

"36C. *Power to exempt new Industries.*— Where the State Government is satisfied in relation to any new industrial establishment or new undertaking or class of new industrial establishments or new undertakings that it is necessary in the public interest to do so, it may, by notification in the Official Gazette, exempt, conditionally or unconditionally, any such new establishment or new undertaking or class of new establishments or new undertakings from all or any of the provisions of this Act for a period of one thousand days from the date of the establishment of such new industrial establishment or new undertaking or class of new establishments or new undertakings, as the case may be.

Explanation:— For the purpose of this section, the expression "new industrial establishment or new undertaking or class of new industrial establishments or new undertakings" means such industrial

establishment or undertaking or class of industrial establishments or undertakings which are established within a period of one thousand days after the commencement of the Industrial Disputes (Goa Amendment) Act, 2020".

9. *Repeal and Saving.*— (1) The Industrial Disputes (Goa Amendment) Ordinance, 2020 (Ordinance No. 8 of 2020) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Secretariat,
Porvorim, Goa.
Dated: 12-10-2020.

CHOKHA RAM GARG, IAS
Secretary to the
Government of Goa
Law Department
(Legal Affairs).

www.goaprintingpress.gov.in

Printed and Published by the Director, Printing & Stationery,
Government Printing Press,
Mahatma Gandhi Road, Panaji-Goa 403 001.

PRICE – Rs. 5.00

PRINTED AT THE GOVERNMENT PRINTING PRESS, PANAJI-GOA—214/280—10/2020.